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Note verbale dated 31 March 2017 from the Permanent Mission of Estonia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Estonia to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and hereby submits the report of Estonia on the implementation of the restrictive measures imposed by the Security Council in its resolution 2270 (2016).

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Annex to the note verbale dated 31 March 2017 from the Permanent Mission of Estonia to the United Nations addressed to the Chair of the Committee

Report of Estonia on the implementation of Security Council resolution 2270 (2016)

Estonia and the other member States of the European Union are implementing the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2270 (2016) by taking the following common measures:[1]

- Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP.[2] Council Decision (CFSP) 2016/849 sets out the commitment of the European Union to implement all the measures contained in resolution 2270 (2016) and provides the basis for European Union-specific accompanying measures within the scope of the resolution, notably:
  - Designation of additional persons and entities (travel ban and asset freeze)
  - Extension of export and import prohibitions: extends export and import prohibitions to any item (except food or medicine) that could contribute to the development of the operational capabilities of the armed forces of the Democratic People's Republic of Korea
  - Requirement to expel diplomats of the Democratic People's Republic of Korea engaged in illicit activities: targets diplomats of the Democratic People's Republic of Korea working on behalf or at the direction of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions, including exemptions
  - Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of Security Council resolutions
  - Requirement to close offices of designated entities and expel representatives: member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for or on their behalf, from participating in joint ventures or any other business arrangements
  - Ban on specialized training, including teaching or training in specific fields

[1] All common measures are published in the *Official Journal of the European Union*.
[2] See *Official Journal of the European Union L 141*, 28 May 2016.

- Requirement to inspect cargo of the Democratic People's Republic of Korea, to cover the inspection of cargo that is within or transiting free-trade zones or that is being transported on aircraft or maritime vessels flagged by the Democratic People's Republic of Korea. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items
- Requirement to ban the chartering of vessels or aircraft by the Democratic People's Republic of Korea and to deregister vessels: includes a prohibition of the provision of crew services
- Requirement to prohibit nationals from operating vessels of the Democratic People's Republic of Korea and using the flag of that country
- Ban on flights of any plane suspected of carrying contraband, with the exception of landing for inspection
- Prohibition of the entry into port of any vessel controlled by a designated entity or suspected of engaging in illicit activity
- Export ban on any item that could contribute to the nuclear or ballistic programmes or other weapons of mass destruction programmes of the Democratic People's Republic of Korea
- Ban on the export from the Democratic People's Republic of Korea of specified minerals such as coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals
- Ban on the export to the Democratic People's Republic of Korea of aviation fuel, such as aviation gasoline, naptha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel
- Freeze on assets of government entities or the Worker's Party of Korea associated with illegal programmes or of individuals or entities acting on their behalf
- Prohibition of the opening and operation of new branches, subsidiaries and representative offices of banks of the Democratic People's Republic of Korea
- Obligation to close existing branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea within 90 days
- Obligation to close existing representative offices, subsidiaries or banking accounts in the Democratic People's Republic of Korea within 90 days
- Extension of the prohibition of the provision of financial support for trade with the Democratic People's Republic of Korea to also cover private financial support for trade if such financial support could contribute to the illicit activities of the Democratic People's Republic of Korea

- Commission Implementing Regulation (EU) 2016/315 of 4 March 2016 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea.[3]

In addition to Council Decision (CFSP) 2016/849, the Council adopted a regulation implementing article 6 (2) of Council Regulation (EC) No. 329/2007 on restrictive measures against the Democratic People's Republic of Korea in order to legally enforce the asset freeze for the new European Union autonomous designations of persons and entities.

Council Regulation (EU) 2016/682 of 29 April 2016 amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea[4] gives effect to the measures set out in Council Decision (CFSP) 2016/476 of 31 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea.[5]

Estonia has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel[6] to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision (CFSP) 2016/849,[2] provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services:

The Strategic Goods Act,[7] in particular section 13 (application for licence), Minister for Foreign Affairs Regulation No. 6 concerning the formats of licence applications[8] and the Weapons Act.[9]

The above-mentioned Council regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Estonia are set out in the following legislation:

Penal Code[10] section 93-1[11] (Failure to apply international sanctions), section 421-1 (Illegal carriage of strategic goods or illegal provision of services

[3] See *Official Journal of the European Union L 60*, 5 March 2016.

[4] See *Official Journal of the European Union L 117*, 3 May 2016.

[5] See *Official Journal of the European Union L 85*, 1 April 2016.

[6] This legislation should apply to all goods included in the Common Military List of the European Union; see *Official Journal of the European Union C 129*, 21 April 2015.

[7] *Riigi Teataja RT I*, 12 March 2015 (latest English translation available from www.riigiteataja.ee/en/eli/501022016001/consolide).

[8] *Riigi Teataja RT I*, 29 December 2011 and Minister for Foreign Affairs Regulation No. 6 of 27 December 2011 (no translation available).

[9] *Riigi Teataja RT I*, 19 March 2015 (latest English translation available from www.riigiteataja.ee/en/eli/502022016003/consolide).

[10] *Riigi Teataja RT I*, 20 May 2016 (latest English translation available from www.riigiteataja.ee/en/eli/530052016001/consolide).

[11] Note that, in Estonian legislation, new provisions that were inserted in the act as the result of an amendment are usually indicated by an index number (a number in superscript) following the paragraph number, the section number or the sub-section number (e.g. "section 93[1] of the Penal Code"). Another way of indicating new provisions is by inserting a hyphen after the paragraph number, the section number or the sub-section number (e.g. "section 93-1 of the Penal Code").

relating to strategic goods) and section 421-2 (Carriage of prohibited strategic goods or provision of services relating to prohibited strategic goods).

With regard to restrictions on admission (visa ban), Estonia has the following national legislation, which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001,[12] provides the basis for refusal of admission and denial of requests for a visa:

Obligation to Leave and Prohibition on Entry Act,[13] section 33-1 (Prohibition on entry arising from law or court judgment), paragraph 4; and Government Regulation No. 182 concerning the implementation of restrictive measures against the Democratic People's Republic of Korea.[14]

With regard to the ban on specialized training, a government regulation concerning the implementation of the restrictive measures against the Democratic People's Republic of Korea[15] was enacted on the basis of section 8 (1) of the International Sanctions Act.[16] The regulation prohibits the admission of nationals of the Democratic People's Republic of Korea to institutions providing higher education and training in disciplines that would contribute to that country's proliferation-sensitive nuclear activities and the development of nuclear-weapon delivery systems.

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[12] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom of Great Britain and Northern Ireland.

[13] *Riigi Teataja RT I*, 6 April 2016 (latest English translation available from www.riigiteataja.ee/en/eli/522042016003/consolide).

[14] *Riigi Teataja RT II*, 31 May 2016, Government Regulation No. 182 of 27 May 2016 (no translation available).

[15] *Riigi Teataja RT I*, 23 July 2016, Government Regulation No. 84 of 21 July 2016 (no translation available).

[16] *Riigi Teataja RT I*, 12 July 2014 (latest English translation available from www.riigiteataja.ee/en/eli/530122014002/consolide).